

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, practices, rates and charges of the Hillview Water Company, Inc., a corporation, and Roger L. Forrester, the principal shareholder and president.

Investigation 97-07-018
(Filed July 16, 1997)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON MOTION FOR CLARIFICATION AND MODIFICATION**

Upon consideration of the Commission staff's (Staff) Motion for Clarification and Modification of Administrative Law Judge's Ruling on Issues and Further Proceedings, dated September 26, 2002; the Respondents' Response thereto, dated October 1, 2002; and the arguments presented by the parties in an informal conference telephone call with the undersigned Administrative Law Judge that convened at 3:00 p.m. on October 3, 2002,

IT IS HEREBY RULED that:

1. The ruling issued orally at the conclusion of the conference telephone call is hereby confirmed.
2. The specific substance of the ruling is as follows:
 - a. Pursuant to Ordering Paragraph 5 of the Order Instituting Investigation (OII), Staff may, in its post-hearing brief(s), recommend that the Commission seek appointment of a receiver by the Madera County Superior Court, as well as any other remedy to ensure that water service is provided to Respondents' customers by means other than a utility managed by Forrester. However, Staff may not exceed the scope of testimony of record concerning the events specifically set forth in the OII

and alleged to have occurred on or before July 16, 1997, in making any such recommendation.

- b. The events referred to in the preceding paragraph include those discussed in Staff's 1997 Report, which is already in evidence. Testimony concerning facts that relate to those events may be offered in evidence at the hearing. Such testimony may include portions of the Supplemental Report dated August 2002. Testimony concerning discovery problems that occurred after the OII was issued, or concerning any allegations of violations of law or Commission regulations that are not specifically referred to in the OII and alleged to have occurred on or before July 16, 1997, will not be admissible at the hearing.
- c. Staff's request that the September 16, 2002, discovery deadline not apply to the prepared testimony due to be served by the Respondents on October 11, 2002, is denied.
- d. Staff's request to modify the procedural schedule so that the deadline for service of Respondent's prepared testimony is changed to October 4 is denied.*

Dated October 11, 2002, at San Francisco, California.

/s/ VICTOR D. RYERSON

Victor D. Ryerson
Assigned Administrative Law Judge

* This request is also moot as of the date of this Ruling.

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Motion for Clarification and Modification on all parties of record in this proceeding or their attorneys of record.

Dated October 11, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

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